

VIRGINIA:

INSTRUMENT PREPARED BY
VIRGINIA GAS AND OIL BOARD

BOOK

517 PAGE 178

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

REVISED SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER
VGOB 95-0418-0503-01

ELECTIONS: CBM UNIT W-31
(herein "Subject Drilling Unit")

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on December 11, 1995 which was recorded at Deed Book 444, Page 66 in the Office of the Clerk of the Circuit Court of Buchanan County, Virginia, on December 19, 1995, (herein "Board Order") and the Supplemental Order(s) entered on September 5, 1996 which was/were recorded at Deed Book 453, Page 264 on September 12, 1996 in the said Clerk's Office.

Findings: The Board finds that:

1. The Board Order and previous Supplemental Order(s) directed POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator") to escrow bonus and royalty payments attributable to conflicting claims of ownership by paying the same to the Board's Escrow Agent for deposit in the Escrow Account pursuant to the provisions and requirements of § 45.1-361.4, Va. Code Ann.
2. The Designated Operator has filed a Supplemental Affidavit dated November 10, 2000 disclosing that Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and Coal Mountain Mining Company and Terry Baldwin have entered into royalty split agreements.
3. By reason of the aforementioned royalty split agreements, it is no longer necessary for the Designated Operator to tender royalty payments to the Escrow Agent attributable to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and Coal Mountain Mining Company and Terry Baldwin.
4. The revised Exhibit E annexed hereto and submitted to the Board by the Designated Operator with its Supplemental Affidavit identifies those persons whose conflicting claims of ownership continue to require escrow.
5. The Supplemental Affidavit further indicates that the Designated Operator has heretofore filed or will forthwith file its petition seeking a further Board Order disbursing escrowed bonus and royalty payments now on deposit in the Escrow Account subject to the aforementioned split agreement.

Order:

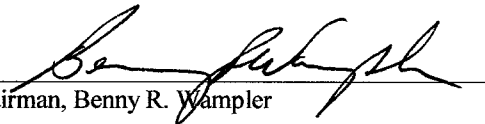
6. By this order, the Board vacates those portions of its prior Order(s), and/or Supplemental Orders(s), which required the Designated Operator to deposit funds pertaining to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and Coal Mountain Mining Company and Terry Baldwin and orders the Designated Operator after entry of this Supplemental Order to pay such funds, which would otherwise have been payable to the Escrow Agent under the Board's prior Orders, directly to the parties to the said split agreements as provided in their agreements.
7. The Board, in the event the Designated Operator has not already done so, directs the Designated Operator to forthwith file its petition seeking disbursement of all funds on deposit in the Escrow Account attributable to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and Coal Mountain Mining Company and Terry Baldwin.

Mailing of Order and Filing of Affidavit: The Designated Operator shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

Conclusion: Therefore, the findings and all terms and provisions set forth above be and hereby are granted and **IT IS SO ORDERED.**

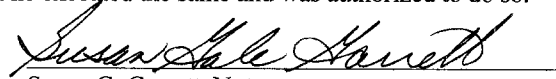
Effective Date: This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 11th day of December, 2000, by a majority of the Virginia Gas and Oil Board.


Chairman, Benny R. Wampler


**STATE OF VIRGINIA
COUNTY OF WISE**

Acknowledged on this 11th day of December, 2000, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Susan G. Garrett, Notary

My commission expires: 7/31/02.

DONE AND PERFORMED THIS 18th day of December, 2000, by Order of the Board.


B. R. Wilson
Director of the Virginia Gas & Oil Board
and Principal Executive to the Board

**STATE OF VIRGINIA
COUNTY OF WASHINGTON**

Acknowledged on this 18th day of December, 2000, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Acting Principal Executive to the Staff, Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis, Notary

My commission expires: 9/30/2001.

VIRGINIA:

SUPPLEMENTAL AFFIDAVIT RE CBM UNIT W-31

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE: Application of Pocahontas Gas Partnership for Forced Pooling of Interests in CBM Unit W-31
VGOB-95-0418-0503-01 in the Garden District of Buchanan County, Virginia

AFFIDAVIT OF POCAHONTAS GAS PARTNERSHIP (herein "Designated Operator")
REGARDING ESCROW AND SUPPLEMENTAL ORDER

Leslie K. Arrington, being first duly sworn on oath, deposes and says:

That your affiant is employed by CONSOL Inc. as a Permit Specialist and is duly authorized to make this affidavit on behalf of POCAHONTAS GAS PARTNERSHIP, the Designated Operator;

That the Order entered on September 5, 1996, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to tender to the Escrow Agents funds attributable to the rights, interests and claims of the persons identified in the annexed Exhibit E as subject to escrow under the Board's Order pooling the captioned Unit, Board Regulations and the Code of Virginia;

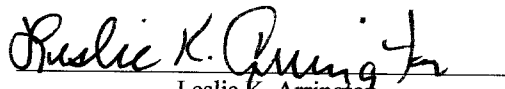
That after the pooling hearing held in the captioned matter, Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and Coal Mountain Mining Company and Terry Baldwin have entered into a royalty split agreement; that by the terms of said agreements escrow regarding the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and Coal Mountain Mining Company and Terry Baldwin are no longer required;

That annexed hereto are revised Exhibits E and EE;

That the Designated Operator has heretofore filed its petition seeking the disbursement from escrow of all funds on deposit attributable to the conflicting claims of Coal Mountain Mining Company and Yukon Pocahontas Coal Company et al. and Coal Mountain Mining Company and Terry Baldwin or the Designated Operator is preparing its petition seeking disbursement from escrow of all funds on deposit attributable to the conflicting claims of said respondents and will file same at its earliest opportunity; and

That the annexed supplemental order provides that the payment of funds subject to the annexed royalty split agreements shall be made to the said parties thereto rather than to the Escrow Agent.

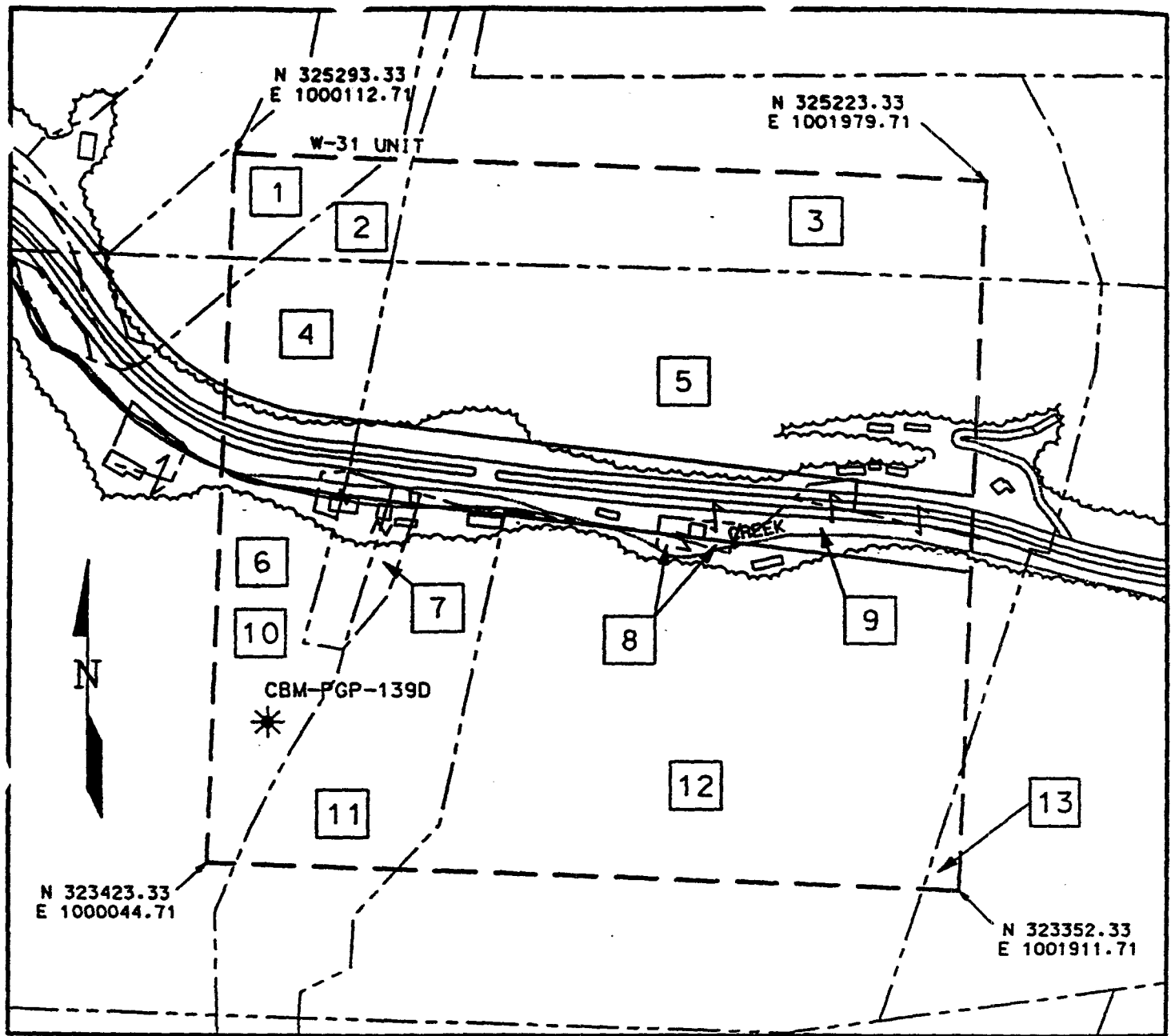
Dated at Tazewell, Virginia, this 10th day of November, 2000.


Leslie K. Arrington

Taken, subscribed and sworn to before me by Leslie K. Arrington as Permit Specialist of CONSOL Inc., on behalf of the corporate Designated Operator, this 10th day of November, 2000.


Notary

My commission expires: 10/31/01



LEGEND

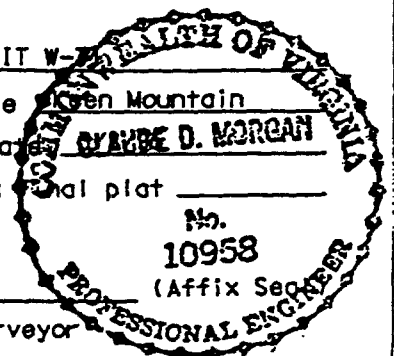
- ↖ TRACT LAND HOOK
- * EXISTING CBM WELL
- * PROPOSED CBM WELL
- [2] TRACT LAND ID'S

EXHIBIT B1
OAKWOOD FIELD UNIT W-31
FORCE POOLING
VGOB-95/04/18-0503

Company Pocahontas Gas Partnership Well Name and Number UNIT W-31
 Tract No. _____ Elevation _____ Quadrangle Green Mountain
 County Buchanan District Garden Scale: 1" = 400' Date CLAUDE D. MORGAN
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Claude D. Morgan
Licensed Professional Engineer or Licensed Land Surveyor



Pocahontas Gas Partnership
Oakwood Field Unit W-31
Tract Identifications

1. Lucy Wade Heirs - Coal
Coal Lessees
Island Creek Coal Company
Lucy Wade - Oil & Gas
1.51 acres - 1.875%
2. Coal Mountain Mining Company - TR 17 - Coal
Coal Lessees
Consolidation Coal Company
Island Creek Coal Company
United Coal Company
Consolidation Coal Company - Oil & Gas
1.24 acres - 1.55%
3. Yukon Pocahontas Coal Company - TR 111 - Coal
Coal Lessees
Jewell Smokeless Coal Company
Island Creek Coal Company
D. Shortt, et. al. - Oil & Gas
Buchanan Production Company - Oil & Gas, CBM Lessee
8.73 acres - 10.925%
4. Coal Mountain Mining Company - TR 17 - Coal
Coal Lessees
Consolidation Coal Company
Island Creek Coal Company
United Coal Company
Consolidation Coal Company - Oil & Gas
3.25 acres - 4.025%
5. Yukon Pocahontas Coal Company - TR 55 - Coal
Coal Lessees
Jewell Smokeless Coal Company
Island Creek Coal Company
Consolidation Coal Company
D. Shortt, et. al. - Oil & Gas
Buchanan Production Company - Oil & Gas, CBM Lessee
17.19 acres - 21.4875%
6. Coal Mountain Mining Company - TR 17 - Coal
Coal Lessees
Consolidation Coal Company
United Coal Company
Commonwealth of Virginia - Oil & Gas
1.50 acres - 1.875%

Pocahontas Gas Partnership
Oakwood Field Unit W-31
Tract Identifications

7. Coal Mountain Mining Company - TR 23 - Coal
 Coal Lessees
 United Coal Company
 Consolidation Coal Company
 Pocahontas Gas Partnership - CBM Lessee
 Joe Davis, Jr. - Oil & Gas
 Pocahontas Gas Partnership - Oil & Gas Lessee
 1.60 acres - 2.0%

8. Coal Mountain Mining Company - TR 23 - Coal
 Coal Lessees
 United Coal Company
 Consolidation Coal Company
 Pocahontas Gas Partnership - CBM Lessee
 Consolidation Coal Company - Oil & Gas
 0.11 acres - 0.175%

9. Coal Mountain Mining Company - TR 23 - Coal
 Coal Lessees
 United Coal Company
 Consolidation Coal Company
 Pocahontas Gas Partnership - CBM Lessee
 Commonwealth of Virginia - Oil & Gas
 7.05 acres - 8.825%

10. Coal Mountain Mining Company - TR 17 - Coal
 Coal Lessees
 United Coal Company
 Consolidation Coal Company
 Pocahontas Gas Partnership - CBM Lessee
 Yukon Pocahontas Coal Company - Oil & Gas
 No Oil & Gas Lessee of Record
 5.10 acres - 6.375%

11. Coal Mountain Mining Company - TR 23 - Coal
 Coal Lessees
 United Coal Company
 Consolidation Coal Company
 Pocahontas Gas Partnership - CBM Lessee
 Jack Davis - Oil & Gas
 7.46 acres - 9.325%

12. Coal Mountain Mining Company - TR 23 - Coal
 Coal Lessees
 United Coal Company
 Consolidation Coal Company
 Pocahontas Gas Partnership - CBM Lessee
 T. Baldwin - Oil & Gas
 24.89 acres - 31.113%

24.90

Pocahontas Gas Partnership
Oakwood Field Unit W-31
Tract Identifications

13. Hurt McGuire - Coal, Oil & Gas
Coal Lessees
Jewell Smokeless Coal Company
Consolidation Coal Company
Peco - Oil & Gas Lessee
Buchanan Production Company - CBM Lessee
0.36 acres - 0.45%

UNIT W-31
Exhibit B-2
Docket # VGOB-95/04/18-0503-01
List of Respondents to be Dismissed

BOOK

517 PAGE 185

			Division of Interest in				
	Reason for Dismissal	Acres in Unit	Percent of Unit	7 East 0.9110%	8 East 7.1320%	9 East 4.9500%	
<hr/>							
II. OIL & GAS FEE OWNERSHIP							
<u>Tract No. 12, 24.90 Acres</u>							
(1)	Terry Baldwin P.O. Box 531 Oakwood, VA 24631	Royalty Split Agreement	24.90 acres	31.12500%	0.28355%	2.21984%	1.54069%
<u>Tract No. 13, 0.36 Acres</u>							
(1)	Peco Resources Two Executive Park Road 1989 East Stone Drive Kingsport, TN 37660	Assignment to BPC	0.36 acres	0.45000%	0.00410%	0.03209%	0.02228%

Exhibit B-3
Unit W-31
Docket No. VGOB-95-0418-0503-01
Unleased Owners/Claimants

BOOK 517 PAGE 186

		Division of Interest in			
	Acres in Unit	Percent of Unit	7 East 0.9110%	8 East 7.1320%	9 East 4.9500%
II. OIL & GAS FEE OWNERSHIP					
<u>Tract #1, 1.51 acres</u>					
(1) <i>Lucy Wade Heirs</i>	1.51 acres	1.88750%	0.01720%	0.13462%	0.09343%
(a) Curtis E. Wade Rt. 1 Box 200 Raven, VA 24639	0.216 acres 1/7 of 1.51 acres	0.26964%	0.00246%	0.01923%	0.01335%
(b) Ruth Stumpp Rt. 1 Box 200 Raven, VA 24639	0.431 acres 1/7 of 1.51 acres	0.53929%	0.00491%	0.03846%	0.02669%
<u>Tract #6, 1.50 acres</u>					
(1) Commonwealth of Virginia P.O. Box 1768 Bristol, VA 24203	1.50 acres	1.87500%	0.01708%	0.13373%	0.09281%
<u>Tract #9, 7.05 acres</u>					
(1) Commonwealth of Virginia P.O. Box 1768 Bristol, VA 24203	7.05 acres	8.81250%	0.08028%	0.62851%	0.43622%
<u>Tract #11, 7.46 acres</u>					
(1) Jack Davis Box 82 Oakwood, VA 24631	7.46 acres	9.32500%	0.08495%	0.66506%	0.46159%

UNIT W-31
Exhibit E
Docket # VGOB-95/04/18-0503-01
List of Conflicting Owners/Claimants

BOOK 517 PAGE 187

		Acres in Unit	Percent of Unit	Division of Interest in		
				7 East 0.9110%	8 East 7.1320%	9 East 4.9500%
<u>Tract No. 2, 1.24 Acres</u>						
COAL FEE OWNERSHIP						
(1)	Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 ✓ Tazewell, VA 24651	1.24 acres	1.55000%	0.01412%	0.11055%	0.07673%
OIL & GAS FEE OWNERSHIP						
(1)	Consolidation Coal Company 1800 Washington Road Pittsburgh, PA 15241	1.24 acres	1.55000%	0.01412%	0.11055%	0.07673%
<u>Tract No. 3, 8.73 Acres</u>						
COAL FEE OWNERSHIP						
(1)	Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 62451	8.73 acres	10.91250%	0.09941%	0.77828%	0.54017%
OIL & GAS FEE OWNERSHIP						
(1)	Donald Shortt, et al 318 Kent's Ridge Road Richlands, VA 24641	8.73 acres	10.91250%	0.09941%	0.77828%	0.54017%
<u>Tract No. 4, 3.25 Acres</u>						
COAL FEE OWNERSHIP						
(1)	Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	3.25 acres	4.06250%	0.03701%	0.28974%	0.20109%
OIL & GAS FEE OWNERSHIP						
(1)	Consolidation Coal Company 1800 Washington Road Pittsburgh, PA 15241	3.25 acres	4.06250%	0.03701%	0.28974%	0.20109%

UNIT W-31
Exhibit E
Docket # VGOB-95/04/18-0503-01
List of Conflicting Owners/Claimants

BOOK 517 PAGE 188

	Acres in Unit	Percent of Unit	Division of Interest in		
			7 East 0.9110%	8 East 7.1320%	9 East 4.9500%
<u>Tract No. 5, 17.19 Acres</u>					
COAL FEE OWNERSHIP					
(1) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 62451	17.19 acres	21.48750%	0.19575%	1.53249%	1.06363%
OIL & GAS FEE OWNERSHIP					
(1) Donald Shortt, et al 318 Kent's Ridge Road Richlands, VA 24641	17.19 acres	21.48750%	0.19575%	1.53249%	1.06363%
<u>Tract No. 6, 1.50 Acres</u>					
COAL FEE OWNERSHIP					
(1) Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	1.50 acres	1.87500%	0.01708%	0.13373%	0.09281%
OIL & GAS FEE OWNERSHIP					
(1) Commonwealth of Virginia P.O. Box 1768 Bristol, VA 24203	1.50 acres	1.87500%	0.01708%	0.13373%	0.09281%
<u>Tract No. 7, 1.60 Acres</u>					
COAL FEE OWNERSHIP					
(1) Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	1.60 acres	2.00000%	0.01822%	0.14264%	0.09900%
OIL & GAS FEE OWNERSHIP					
(1) Joe Davis, Jr. Rt. 1 Box 175B Raven, VA 24639	1.60 acres	2.00000%	0.01822%	0.14264%	0.09900%

UNIT W-31
Exhibit E
Docket # VGOB-95/04/18-0503-01
List of Conflicting Owners/Claimants

BOOK 517 PAGE 189

		Acres in Unit	Percent of Unit	Division of Interest in		
				7 East 0.9110%	8 East 7.1320%	9 East 4.9500%
<u>Tract No. 8, 0.11 Acres</u>						
COAL FEE OWNERSHIP						
(1)	Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	0.11 acres	0.13750%	0.00125%	0.00981%	0.00681%
OIL & GAS FEE OWNERSHIP						
(1)	Consolidation Coal Company 1800 Washington Road Pittsburgh, PA 15241	0.11 acres	0.13750%	0.00125%	0.00981%	0.00681%
<u>Tract No. 9, 7.05 Acres</u>						
COAL FEE OWNERSHIP						
(1)	Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	7.05 acres	8.81250%	0.08028%	0.62851%	0.43622%
OIL & GAS FEE OWNERSHIP						
(1)	Commonwealth of Virginia 870 Bonham Road Bristol, VA 24201	7.05 acres	8.81250%	0.08028%	0.62851%	0.43622%
<u>Tract No. 11, 7.46 Acres</u>						
COAL FEE OWNERSHIP						
(1)	Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	7.46 acres	9.32500%	0.08495%	0.66506%	0.46159%
OIL & GAS FEE OWNERSHIP						
(1)	Jack Davis Box 82 Oakwood, VA 24631	7.46 acres	9.32500%	0.08495%	0.66506%	0.46159%

Exhibit EE
UNIT W-31

Docket # VGOB 95-0418-0503-01

List of Conflicting Owners/Claimants with Royalty Split Agreements

		Division of Interest in			
	Acres in Unit	Percent of Unit	7 East 0.9110%	8 East 7.1320%	9 East 4.9500%
<u>Tract No. 10, 5.10 Acres</u>					
COAL FEE OWNERSHIP					
(1) Coal Mountain Mining Company Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	5.10 acres	6.37500%	0.05808%	0.45467%	0.31556%
OIL & GAS FEE OWNERSHIP					
(1) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 62451	5.10 acres	6.37500%	0.05808%	0.45467%	0.31556%
<u>Tract No. 12, 24.90 Acres</u>					
COAL FEE OWNERSHIP					
(1) Coal Mountain Mining Company, Tr. 23 Coal Mountain Trust P.O. Box 675 Tazewell, VA 24651	24.90 acres	31.12500%	0.28355%	2.21984%	1.54069%
OIL & GAS FEE OWNERSHIP					
(1) Terry Baldwin P.O. Box 531 Oakwood, VA 24631	24.90 acres	31.12500%	0.28355%	2.21984%	1.54069%

VIRGINIA: In the Clerk's Office of the Circuit Court of Buchanan County. The foregoing instrument was this day presented in the office aforesaid and is, together with the certificate of acknowledgment annexed, admitted to record this 20th day of December, 2000 at 2:39 P M.
Deed Book No. 517 and Page No. 178 TESTE: James M. Bevins, Jr., Clerk
Returned this date to Marc Davis TESTE: Shirley S. Jiles Deputy Clerk

ENTERED

BY: _____

Handwritten signature

INSTRUMENT #0000000000
RECORDED IN THE CLERK'S OFFICE OF
BISHOP COUNTY ON
DECEMBER 20, 2000 AT 02:33PM
JAMES H. REYNS JR., CLERK

INSTRUMENT #0000000000
RECORDED IN THE CLERK'S OFFICE OF
BISHOP COUNTY ON
DECEMBER 20, 2000 AT 02:33PM
JAMES H. REYNS JR., CLERK

Handwritten initials